

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JACOB RUSH, <i>et al.</i> ,	:	Case No. 1:07cv1068
	:	
Plaintiffs,	:	JUDGE KATHLEEN O'MALLEY
	:	
v.	:	
	:	
CITY OF MANSFIELD, <i>et al.</i> ,	:	<u>ORDER</u>
	:	
Defendants.	:	

This matter arises on the *Joint Motion of Defendants to Sever Claims or in the Alternative for a Separate Trial* (Doc. 22) (“Motion to Sever”), wherein the Defendants request that the claims asserted by Plaintiff Vanessa Bowles be severed from the claims asserted by the remaining Plaintiffs (the “Rush Plaintiffs”). The Court finds that Bowles’ claims do not arise “out of the same transaction, occurrence, or series of transactions or occurrences” as those asserted by the Rush Plaintiffs and, therefore, do not satisfy Federal Rule of Civil Procedure 20 for purposes of proceeding jointly with the claims asserted by the Rush Plaintiffs. Accordingly, the claims asserted by Bowles must be severed. Furthermore, the dramatically different harms alleged by the Rush Plaintiffs as compared to those of Bowles support severance of the Bowles’ claims due to the potential prejudice the Defendants likely would face if all of the claims were to proceed in a single action.

Accordingly, Defendants' Motion to Sever (Doc. 22) is **GRANTED**. The Clerk is hereby **ORDERED** to:

1. Open a new case in which the claims asserted by Plaintiff Vanessa Bowles will proceed. The Defendants in this case shall be named as Defendants in the new case. As to those Defendants, service of process has been accomplished *via* service of the Complaint in this case. The new case shall relate back to the filing date of this case (1:07cv1068). Until and unless otherwise altered by the Court or the parties, therefore, the caption for the new case shall be *Vanessa Bowles v. City of Mansfield, et al.* All filing fees relative to the new case are WAIVED.
2. Assign the newly-opened case to the undersigned judicial officer because the undersigned finds that it is sufficiently related to this case.

The Complaint (Doc. 1) in this case shall be docketed in the new case, along with all of the other filings made in this case to date. Unless otherwise amended, only the claims asserted by Vanessa Bowles that Complaint, shall proceed in the new case. Those claims are the first, third, fourth and fifth claims in the Complaint (Doc. 1).¹

For the time being, the Court will enter coordinated Case Management Plans in both cases. The Court makes no determinations, however, as to whether discovery, dispositive motions and/or trial of these cases will be coordinated and/or jointly addressed in the future.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: July 26, 2007

¹ Claim two relates only to the Rush Plaintiffs. See Doc.1, Case No. 1:07cv1068.